the resident elected to have as his domicile. If we apply this test in the present case, the question might logically resolve itself into an inquiry as to whether ranchmen would rather sleep than eat.

EVIDENCE—PHOTOGRAPHS OF DECEASED'S WOUNDS.—In a prosecution for murder, the state introduced in evidence photographs showing the nature of the decedent's injuries, described by the court as "large and very vivid and striking, though correct, photographs of decedent's bruised and battered head and face." These were objected to on the ground that they tended unduly to prejudice the jury by exciting horror and indignation and diverting their attention from dispassionate consideration of the case. *Held,* that the photographs were properly admitted. *People* v. *Balistieri.* (Cal. App. 1914) 139 Pac. 821.

The court disposes of the objection in the following language: "The fact that its striking and gruesome detail might excite feelings of horror and perhaps indignation in the minds of the jury would not be sufficient reason for the exclusion of such evidence; otherwise the more horrible the murder the more hampered would be the prosecution of those who had contributed to the details of its horror." The admission of such evidence seems to be in line with the constant practice of the courts, although there is undoubtedly danger in the use of such exhibits. Speaking of the objections to their use GREENLEAF says, § 13e, "Such objections have almost invariably been repudiated by the court in allowing the production of tools or weapons, clothing, or members of a murdered or injured person's body." Probably the most extreme case in admitting such evidence is *Vincent* v. *State,* 24 Ia. 570, in which the severed head of the deceased, preserved in alcohol, was allowed to come in as an exhibit. Other similar cases are *Wynne* v. *State,* 56 Ga. 113; *Foster* v. *People,* 63 N. Y. 619; *State* v. *Murphy,* 118 Mo. 7, 14; *Spies* v. *People,* 122 Ill. 1, 236, (involving the Haymarket riots). The admission of these species of real evidence is however, discretionary with the court, and they may be excluded when it is apparent that the result would be to confuse the jury, or to unduly prejudice the defendant. Thus, in *Rost* v. *Brooklyn Heights Ry.* 41 N. Y. Supp. 1069, the exhibition of the amputated foot of a child alleged to have been injured by the negligence of the defendant, was held error; and in *Selleck* v. *Janesville,* 104 Wis. 570, it was held that photographs showing the condition of an injured foot were inadmissible.

EVIDENCE—VALUE OF PROPERTY.—The City of Chicago instituted condemnation proceedings against certain land owned by the defendant within the city limits. To prove the value of the land defendant put on the stand several real estate dealers who had done business in the vicinity and offered to prove by them certain bona fide cash offers which they had received recently on similar adjacent property. This evidence was excluded by the trial court, and on appeal, this exclusion was *held* error. *City of Chicago* v. *Lehman,* (Ill. 1914) 104 N. E. 829.

The court says, "Actual sales are the best evidence, but in the absence of such evidence bona fide offers to purchase for cash are some evidence of what the property would be reasonably worth. * * * * * The bona fides of an offer and the weight to be given it are for the jury. There ought to be great liberality in admitting evidence to enable the jury to correctly determine value, and we have permitted great freedom in receiving opinion evidence on that subject." The decision seems quite as liberal as any on the subject, and goes farther than many courts have seen fit to go. There are some decisions to the effect that the price actually paid for land, standing alone, is not competent evidence to prove value, even where the transaction is bona fide. *Anderson* v. *Knox,* 20 Ala. 156; *People* v. *Rushford,* 80 N. Y. Supp. 891. Likewise, offers to sell land at a certain figure are inadmissible except as involving the admission of the owner. *Houston* v. *Ry.,* 204 Pa. St. 321; *Sherlock* v. *Ry.,* 130 Ill. 403. But generally evidence of cash transactions is admissible to prove value; and decisions are not wanting that bona fide offers to purchase land are also competent. *Muller* v. *Ry.* 83 Cal. 240; *Faust* v. *Hosford,* 119 Ia. 97; *Cottrell* v. *Rogers,* 99 Tenn. 488; although this is denied in *Watson* v. *Ry. Co.,* 57 Wis. 332, and *Sharpe* v. *U. S.,* 191 U. S. 341. Whether the value of adjoining property is relevant and admissible as the basis of inference as to the value of the property in question is disputed. The following cases admit such evidence; *Culbertson Pack Co.* v. *Chicago,* 111 Ill. 651; *Hunt* v. *Boston,* 152 Mass. 168; *Washburn* v. *Ry. Co.,* 59 Wis. 364; *Hart* v. *Langan,* 144 N. Y. 653; *Norton* v. *Willis,* 73 Me. 580; *Cherokee* v. *Sioux City Lot Co.,* 52 Ia. 279. In the principal case there was no evidence of actual sales, and the testimony which the Supreme Court held admissible established only cash offers. These were in turn open to the objection that they were offers on adjacent property and not on the land in question, and the ruling of the court in admitting the evidence appears unusually liberal.

HUSBAND AND WIFE—CAN A WIFE RECOVER AGAINST HER HUSBAND FOR A PERSONAL TORT.—The Connecticut Married Woman's Act was construed to authorize an action by a wife against her husband for damages for an assault and battery and false imprisonment, although the act did not expressly authorize an action by a wife against her husband. *Brown* v. *Brown,* (Conn. 1914) 89 Atl. 889.

It would seem that this case stands alone. In *Thompson* v. *Thompson,* 218 U. S. 611, 30 L. R. A. N. S. 1153 a wife was denied the right to sue her husband for a tort, although the statute authorized married women "to sue separately for the recovery, security or protection of their property and for torts committed against them as fully as if they were unmarried." In accord are *Bandfield* v. *Bandfield,* 117 Mich. 80, 72 Am. St. Rep. 550; *Libby* v. *Berry,* 74 Me. 286, 43 Am. Rep. 589; *Main* v. *Main,* 46 Ill. App. 106, TIFFANY, DOM. REL. 74, declares that "the common law rule has been changed by statute so that a wife may maintain an action against her husband for a tort, in a few states," but no cases are cited. *Peters* v. *Peters,* 156 Cal. 32, 23